

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**EUGENE A. LOISEL, III**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:09cv142HSO-JMR**

**RONALD KING**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper [18-1] entered in this cause on January 11, 2011. The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the relevant legal authorities, and concludes that the instant Petition should be denied. The Court further agrees with the Magistrate Judge that because Loisel failed to exhaust his state court remedies, his Petition is likewise barred.

To date, no objection to the Report and Recommendation has been filed by Petitioner.<sup>1</sup> Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

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<sup>1</sup> The record reflects that Gwen Hicks signed for the receipt of the Report and Recommendation on January 13, 2011 [19-1].

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendation thoroughly considered all issues, and is neither clearly erroneous, nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Loisel's Petition be denied. Said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [18-1] of Chief Magistrate Judge John M. Roper entered on January 11, 2011, is hereby adopted as the finding of this Court. A separate judgment will be entered in accordance with this order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 10<sup>th</sup> day of June, 2011.

*s/ Halil Suleyman Ozerden*  
HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE